

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.415 OF 2004

...

M/s.Trishna Arts ...Petitioner

v/s.

Bihar Films & Anr. ...Respondents

...

Mr.A.M. Sarogi for the Petitioner.

None for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 10TH JANUARY, 2005

P.C.:

1. By this petition the Petitioner challenges the award dated 9/13-2-2004 made by the Trade Body of which both the parties are members.

2. I have heard the learned Counsel for the

Petitioner. It appears that when the proceedings were initiated, parties reached the settlement, but no award was made. The Petitioner did not abide by the terms of the settlement, therefore, award has been made. Thus, I do not find any substance in the submission of the learned Counsel appearing for the Petitioner that the proceedings before the Arbitrator had come to an end because of the settlement, because there was no award made by the Arbitrator at that stage. The award was made subsequently. The settlement reached between parties was considered by the Arbitrator as one of the evidence before making the award. It was submitted that the Arbitrator did not appreciate that the Petitioner has abided by the settlement. This in my opinion, would be a question of fact, which cannot be considered under Section 34 of the Arbitration Act, specially considering that it is an award made by the Trade Body of which both the parties are members. In my opinion, provisions of Section 34 of the Arbitration Act does not contemplate interference by the Court with the award made by the Trade Body which knows intricacy of the transaction between the parties. Petition is disposed of.

...